

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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MCDONALD CONSTRUCTION, INC.,  
*a Minnesota Corporation,*

Civil No. 15-3126 (JRT/TNL)

Plaintiff,

**ORDER**

v.

RAYMOND OBORN and KIMBERLY  
OBORN, *husband and wife*, and TUSHIE-  
MONTGOMERY ASSOCIATES, INC., *a*  
*Minnesota Corporation,*

Defendants.

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Benjamin D. Eastburn and Keith S. Moheban, **STINSON LEONARD STREET LLP**, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402 (for Plaintiff).

Dustin D. Fossey, **FOSSEY LAW FIRM, PLLC**, Post Office Box 24357, Edina, MN 55424 (for Defendants Raymond and Kimberly Oborn).

Adam Gregory Chandler, John M. Degnan, Kristine M. Boylan, Michael M. Sawers, **BRIGGS & MORGAN, PA**, 80 South Eighth Street, Suite 2200, Minneapolis, MN 55402 (for Defendant Tushie-Montgomery Associates, Inc.).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated May 19, 2016 (Docket No. 51), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Defendant Tushie-Montgomery Associates, Inc.'s Motion for Judgment on the Pleadings (Docket No. 13) is **DENIED**.
2. Defendants Raymond and Kimberly Oborn's Joinder in Motion for Judgment on the Pleadings (Docket No. 32) is **DENIED**.

Date: June 10, 2016  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court